

Dec 3, 2006

United States District Court
District of Massachusetts

04/12/86-NG

Response to Defendants Mediation Position
Memoranda

Honorable Joyce London Alexander

As far as confidentiality stop and shops
management and fatima cabral did not keep
anything confidential.

Claims

Stop & shop claims

Store management according to Stop & shop
meanwhile, store management was holding
the department accountable for maintaining
standards, Department staff (store management)
did their best to cover for devine, who wanted
to keep his (condition) (disability) confidential

Devine claims

Devine did so requested an accommodation
explicitly and implicitly a reasonable
accommodation. If devine notified them of
a condition or disability an accommodation

had to follow if performance deteriorated.

Stop and shop claims

Devine never notified any member of Stop and Shop management of his HIV positive status and purported need for an accommodation

Devine claims

Yes indeed Devine did inform management of his condition HIV positive status and disability and stop & shop claims that it deteriorated, if so then once store management knew or should have known of conditions that rise to the level of a disability, it the defendants responsibility to commence in an interactive dialogue with the plaintiff, once it was obvious then they where supposed to initiate a reasonable accommodation interactive process or meeting to clarify what the individual needs and identifying. If it deteriorated then condition was obvious.

Please Reschedule mediation meeting